

### **AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include the replacement of original FIG. 8B with a new FIG. 8B. These two sheets, which include new FIG. 8B and original FIG. 8A.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

### **REMARKS/AMENDMENTS**

This paper addresses the issues raised in the Office Action mailed August 31, 2005. This amendment is submitted in compliance with the guidelines of the revised amendment practice. See 1267 Off. Gazette 106.

Claims 1-8 are currently pending. In the Office Action, the Examiner acknowledged the Applicant's election with traverse of Group I, Claims 1-4, 7 and 8; recognized the IDS submitted by the Applicant; objected to the drawings; rejected Claims 2 and 7 under 35 U.S.C. § 112, second paragraph; rejected Claims 1, 4, 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by Varley (U.S. Patent Publication No. 2003/0188837) and rejected Claim 3 under 35 U.S.C. § 103(a) as obvious in view of Varley and in further view of Suga (U.S. Patent Publication No. 2005/0035536). Claims 1, 2, 7 and 8 have been amended. Claims 5 and 6 have been previously withdrawn. New Claim 9 and 10 has been added. No new matter has been added.

### **RESTRICTION REQUIREMENT**

In the Office Action, the Examiner acknowledged the Applicant's election with traverse of Group I, Claims 1-4, 7 and 8. No further action is needed at this time.

### **INFORMATION DISCLOSURE STATEMENT**

In the Office Action, the Examiner acknowledged the submission of the information disclosure statement by Applicant. No further action is needed at this time.

### **DRAWINGS**

In the Office Action, the Examiner objected to drawings, specifically to FIG. 8B due to projection 260 apparently pointing to something other than a projection. A corrected drawing sheet is attached to this response amended FIG. 8B such that reference numeral 260 has been removed therefrom. Reconsideration is respectfully requested.

### **CLAIMS REJECTION - 35 U.S.C. § 112, 2ND PARAGRAPH**

In the Office Action, the Examiner has rejected Claim 2 and 7 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as not having a proper antecedent basis, specifically the term "radially aligned

projects” does not have a proper antecedent basis. Claims 2 and 7 have been amended to correct this typographical error. Reconsideration is respectfully requested.

#### **CLAIMS REJECTION - 35 U.S.C. § 102(E)**

The Examiner has rejected Claims 1, 4, 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by Varley (U.S. Patent Publication No. 2003/0188837). As set out above, Claims 1, 7 and 8 have been amended. It is respectfully submitted that these claims, as amended, are not anticipated by the cited reference. Reconsideration is respectfully requested.

With respect to the cited reference, it discloses a curtain rollup door having a door assembly 20 in communication with a drive motor unit 38. The door assembly 20 includes a rotatable drum 24 having a centerline 24a. The drive motor unit 38 is mounted to the door assembly 20 with the aid of a headplate 36. (See, paragraphs 0032-0033).

In the Office Action, the Examiner indicated that the cited reference disclosed “an annular ring (24a)”, “a rim (36)” and “four radially aligned projections (41) on the rim.” However, a reading of the cited reference clearly indicate that this device does not have an annular ring with a rim, and the identification of these elements is not accurate. Moreover, the cited reference does not include projects “on the rim.” The “projections” referred to in the cited reference are fasteners that are placed through the headplate (36).

Regarding independent Claim 1, it discloses an annular ring having a rim, located within the well of a frame. The frame has a number of slots while, the rim has a number of projections extending away therefrom, i.e. “on the rim.” The ring is in communication with the frame via the projections being located within the slots.

The cited reference does not teach a ring being located within a well. It teaches and discloses a motor being secured to a door assembly with the aid of one or more mounting places. There is no ring having projections on its rim, nor does it have these projections extending into slots located in the frame. Accordingly, it is respectfully submitted, these elements are not taught, disclosed or otherwise found in this reference.

As for the remaining claims, it is submitted that, for the same reasons set forth above, this reference does not teach nor disclose the elements contained therein. Accordingly, such reference cannot anticipate Claims 1, 4, 7 and 8, as amended. Reconsideration of this rejection is respectfully submitted.

### **CLAIMS REJECTION - 35 U.S.C. § 103(A)**

The Examiner has rejected Claim 3 under 35 U.S.C. § 103(a) as obvious in view of Varley and in further view of Suga (U.S. Patent Publication No. 2005/0035536). It is respectfully submitted that these references individually or in combination do not render the invention as set forth in this claim unpatentable. Reconsideration is respectfully requested.

In the Office Action, the Examiner indicated that *Varley* discloses all the elements of Claim 3 with the exception of having the motive force means at both ends of a rotating cylindrical drum. However, according to the Examiner, *Suga* teaches a dual motive force means, and that the combination of these references would render Claim 3 unpatentable.

Initially, as Claim 3 is a dependant claim of Claim 1, it is submitted that, for the reasons set forth above, this claim is not rendered unpatentable in view of these references.

*Suga* does not teach inclusion of a ring having projections on its rim, nor does it teach having a well in a frame dimensioned to receive the ring. *Suga* does disclose a pair of rollers 2 being rotated by a drive motor 17 and series of gears on one side and a series of non-force providing gears on the other, namely gears 15 and 16. This reference does not provide, teach or suggest having motive force means on both sides of the rollers 2. As such, even if these references were properly combined, such combination would not include a dual motive force means located on both ends of a roller.

It is submitted that these references do not render Claim 3 as unpatentable. The combination of these references is not proper, nor if they are properly combined would they produce the invention as set forth in Claim 3. For the reasons stated above, it is respectfully submitted that the *Varley* in view of *Suga* reference does not render Claim 3 unpatentable. Reconsideration of this rejection is respectfully submitted.

### **NEW CLAIMS**

#### ***(Claims 9-10)***

New Claims 9-10 have been added. No new matter has been added. These claims further highlight the present invention. It is submitted that for the reasons set forth above, these new claims are patentable over the cited references. Accordingly, it is respectfully submitted that these claims are in a condition for allowance, and such action is requested.

### Conclusion

Based on the above, the Applicant respectfully submits all the claims are in condition for allowance and such allowance is hereby respectfully requested. All amendments have been specifically added to clarify the antecedent basis of the claims themselves and not to avoid a reference. Accordingly, the Applicant respectfully asserts that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co. Ltd.*, 234 F.3d 558 (Fed. Cir. November 29, 2000). Therefore, reconsideration of the present application, in light of these remarks, is respectfully requested. It is believed that no additional fees are required with the filing of this paper. In the event, however, fees are due with this paper, please contact the undersigned.

Respectfully submitted,



Brent A. Capehart

Reg. No. 39,620

Dated November 23, 2005  
LARIVIERE, GRUBMAN & PAYNE, LLP  
Post Office Box 3140  
Monterey, CA 93942  
(831) 649-8800

